

DISPATCH

EAST AFR. PROT.

N^o. 11791

41791

14 NOV 1908

No.
Date
Year

(Subject.)

1908

Mr. W. R. Foran.

Last previous Paper

383/3

(Minutes.)

Mr. Read

T. G. & G. Dept.

Myr

General Dept.

H. J. H.

67/9-1

Mr. Read

[Indicate though as the case involved in
present inquiry pictures a German agent
as your judge, especially undesirable]

Mr. Cox

Please see my minute SW 26443 - Mr. Foran's
statement (29071), & his further statement 383/3.

There is no question whatever that Mr. Foran was
seriously embarrassed by debt.

In fully test (and tests) the I.G. in reporting
what Mr. Foran had done by way of reducing his

debts called attention to certain other acts of misconduct, which, if true, are most serious. In his word were it that he had threatened (to another official position) to beat a creditor who was threatening legal proceedings against him. (It that he sent up a notice to receive 20 Laster for refusing to go to duty, though the man had actually been excused from duty. Apparently this fact only transpired owing to inquiries made by Mr. T. or his official superior Captain Kilduff.

The strongly correct procedure in the case was to have brought Mr. T. before the Executive Council as there no charges & no the charge of insubordination. Now, if the charge had proved to be well founded the Board could have been got rid of in any way that seemed most advisable, the case would have been a closed one, & Mr. T. would have had no grounds for appealing - or at least we should have had a straightforward answer to give to his appeal. What we saw was very different: the Govt called on Mr. Forde to resign. He replied that if the Govt would assure him security of his office for one year he would be able to liquidate all his debts, through the kindness of a friend. The Govt granted the required assurance, & a local magistrate signed off to it. Mr. T., a member of the crew of Clash Ilva of Kinsale - came forward to tell his

There was some sort of meeting with the creditors at which an arrangement was proposed - but here we arrive at an ambiguity. ^{After a short} ~~and~~ conflict of statements between the Govt & Mr. Forde on a point of very material importance.

Mr. Forde stated in 29071 & has repeated more fully in 38313 (in which paper he mentions the names of several gentlemen from whom compensation can be obtained) that while 33½ p.c. cash was offered to all the creditors on account of his debts, it was verbally explained to them that he was anxious to pay them the balance of 66½ p.c. as soon as he had paid off the loan to his friend.

The Govt on the other hand says that the 33½ p.c. was offered in full settlement, & that as this proposal was thought quite unacceptable with Mr. Forde's position he was called upon to resign.

It will be readily seen how important the point in dispute is, & I must say as the Govt believe that the file of papers submitted by Mr. Forde do not show that he made any ~~no~~ mention of the alleged verbal statement in his conv. with the Govt. It is annoying that the Govt denies so important a point, but the further difficulty we have is that the 38313/10 should

strict further sufferings, as the point I. It may perhaps be
desirable to bring about the time that deposit reaches
South Africa).

I would add that Mr. Foran's file does not bear out
his statement in 1907, that he "resigned under
fear". He asked for certain concessions at the matter
of leave etc which were granted, & added "I have
no wish to return to this country & only desire to get
to England in order to obtain other employment".

The case however remains very unsatisfactory because
(1) if Mr. Foran's statement as to his verbal pledge
with regard to the 66 p.c. balance of his debts is
true - ~~although he has now~~ he seems to have ~~now~~
done his best to pay them off, & at the stage
when he has thus reached, & in view of the resources
the Govt. has given him, no insubordination is not a
sufficient ground for getting rid of him.

If the Govt. had from the first taken the line that
the indebtedness was burdensome to himself
of Mr. Foran's retention in the service, it would
have been quite a different matter, & possibly
such an attitude would have been justified.

(2) The two reports as Mr. Foran's discharge of his
duties have clearly been used as a malitwight
against him - though he has never had them
~~in his power~~ brought to his notice officially, or

had any opportunity of replying. March 1905
1) Mr. Donald, the J. G. of Police, whom report
is in question, has proved such a bad Police
Officer that it has been found necessary to
revert him to his previous magisterial app't.
The report expresses one unkindly "I daresay
there are other cases do record which have
not come to light." is a most unfair statement.

4) Mr. Foran's statements on his own behalf appear
straightforward & sincere enough. (They should be used)
so also did his manner when he came & saw me

The worst of it is that I don't see what can be
done for Mr. Foran even under the most
favourable conditions. Hardly need he say he
was, but he did not look at all a likely
Police Officer. I cannot therefore think that
the Secretary of State should offer him reemployment,
at best there remains his severe indebtedness

which cannot be denied. It may reasonably be
question whether some compensation should not be given him.

I think the first thing to do is to clear up
the question as to whether he gave his creditors,

a ~~full~~ undertaking to repay the debt unpaid.

T.C.H. 1905
I can see that any injustice has been done
to the man. He was clearly entitled to

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the fact of a place open & I think that
the best part will rightly get
red of him. We can never hope to put
the Police force of the S.A.P. on a better
footing so long as it is officiated by men
of this type. I think therefore that it
would have been better, as Mr. Thompson
suggested, if Mr. F. had been brought
before the S.C. to Council, but they
are new to these things & I agree,
that the Council taking up for the
end of 1906.

H. J. R.

20/11

Closed Lucy

This is a difficult case
& has been mismanaged by the
Governor. I would telegraph at once to
the Governor to pay the debts in full
as he ought, I think, to clear this
point up. I have an urgent feeling
that the calls made on Officers in
S Africa are more than their
Salaries, or want, but that it does
not excuse such large personal
indebtedness as that of Mr. Brown.

Subject to anything arising on
the arrival to the Telegraph, I
think we must decline to forward
Mr. Brown to another & his resignation
to be accepted by the Employers
leaving him to the employment
market open to him.

Very right
and the
Regulation
H.M.

Yes, it is a difficult case, but after reading all the
papers I don't see how we can send him back to
East Africa. I agree with Mr. Thompson and Mr. Cony-
ningham that the strictures on Mr. Forgan's efficiency made by
the J.G. of Police must not be taken into account,
since Mr. Forgan has never had the opportunity of
answering them, but nevertheless after the former's
action it would be impossible to send him back. It would
be very hard for this young man to live on the pay
in East Africa, the Governor's remark at the close
of his despatch not living in E. Africa as
expensive and becoming more so, and that if
it is not exceptional to find an officer who is
not in debt will be acted.

If the young man has merits, as Mr. Thompson
and others seem to think, could we employ him elsewhere and
give him another chance?

J.S.
21.11.

This case you have mentioned, and am
writing to you personally in regard to the former
and the J.G.'s report. Telegraph me
your proposed and send the papers forward
again when you copy or receive Mr. Forgan
as in no case return to B.R.C.

C. 17
4179

EAST AFRICA PROTECTORATE.

Governor's Office.

Nairobi,

October 9th 1908. 497

CONFIDENTIAL (108)

(Incl. 1)

My Lord,

I have the honour to acknowledge the receipt
of Your Lordship's despatch No. 410 of the 22nd of
August last and in reply to submit the following report:

2. Mr. Foran's case was originally brought to my notice in May 1907 by a local Solicitor in connection with the non-payment of an account running over six months for a sum of Rs. 370 owed by Mr. Foran to a local general dealer whom Mr. Foran had also threatened to sue, with a view, the Solicitor alleged, to intimidate him from bringing an action to recover his money; the threat was undoubtedly made but not, I think, with this object.

3. At this time the Inspector General of Police also brought to my notice that this was not the only instance, and that Mr. Foran was heavily in debt elsewhere.

4. I saw Mr. Foran and severely reprimanded him both for his conduct on this occasion and his state of indebtedness and warned him that I could not tolerate such a state of affairs. I gave him six months in which to clear

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLORIES.

DUNNING STREET.

LONDON, S.W.

(2)

clear himself and informed him that, if at the end of this period he was not practically free from debt, he would be called on to resign his appointment.

5. At the expiration of six months the Inspector General of Police submitted a statement prepared by Mr. Foran of his liabilities and the reduction effected. This showed total debts amounting to Rs.4,758 and a reduction of Rs.1,699.1/- leaving a balance unpaid of Rs.3,059.89 but the Inspector General of Police ascertained that debts existed in addition, to the amount of Rs.1,000 which were not shown by Mr. Foran; the Inspector General of Police also submitted a report on Mr. Foran's general conduct as a Police Officer which was far from satisfactory.

6. Mr. Foran was then called on to resign.

7. He then put in a plea for grace stating that, if he could assure a friend that his post in the Police would be secure for one year, he would be able, through the kindness of this friend, to liquidate his debts.

8. He was granted this assurance and warned that an improvement in the conduct of his duties was necessary as well as a reduction of his liabilities.

9. Mr. Foran then apparently convened a meeting of his creditors and through his friend offered them 25% of the amount of his debts in full settlement. The proposal was not received with approval, was strongly objected to by the Inspector General of Police and was in my opinion quite incompatible with Mr. Foran's position as a Police Officer. I accordingly revoked my former assurance and on the recommendation of the Inspector General of Police granted him six months

1000

47791

Governor's Office,

Nairobi,

October 9th 1908. 497

EAST AFRICA PROTECTORATE.

CONFIDENTIAL (108)

(Incl. 1)

My Lord,

I have the honour to acknowledge the receipt
of Your Lordship's despatch No. 410 of the 29th of
August last and in reply to submit the following report:

2. Mr. Foran's case was originally brought to my
notice in May 1907 by a local Solicitor in connection
with the non-payment of an account running over six
months for a sum of Rs. 572 owed by Mr. Foran to a local
general dealer whom Mr. Foran had also threatened to
flog, with a view, the Solicitor alleged, to intimidate
him from bringing an action to recover his money. The
threat was undoubtedly made but not, I think, with this
object.

3. At this time the Inspector General of Police
also brought to my notice that this was not the only
instance, and that Mr. Foran was heavily in debt else-
where.

4. I saw Mr. Foran and severely reprimanded him
both for his conduct on this occasion and his state of
indebtedness, and warned him that I could not tolerate
such a state of affairs. I gave him six months in which
to clear

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES.

DOWNING STREET,

LONDON, S.W.

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the fact of a fine Officer & I think that
the local Govt acted rightly in letting
out of him. We can never hope to get
the Police force of the S.A.P. on a better
basis so long as it is officiated by men
of this type. I think ~~therefore~~ that it
would have been better, as Mr. MacNaughton
wrote, if Mr. F. had been brought
before the S.A.C. Council or let them
know of these things in 2 April,
then S.A.C. Council taking only for the
sum off 1100.

H.J.R.
25/4/1

Colonial Secy

This is a difficult case
& has been mismanaged by the
Govt. I would telegraph at once
to the Govt to pay the debts in full
as we want to think to clear this
point up. I have an uneasy feeling
that the calls made on Officers in
S Africa are more than their
Salaries worth, but that does
not excuse such large personal
indebtedness as that of Mr. F.

Subject to anything arising on
a review to the suggested telegram I
had no objection to forward
it down to withdraw his resignation
as he has given further employment

They might
read the old
Regulation
H.R.

yes, it is a difficult case, but after reading all the
papers I don't see where we can send him back to
East Africa. I agree with Mr. MacNaughton and Mr. Coote
that the strictures on Mr. Fagan's efficiency made by
the I.G. of Police ought not to be taken into account,
since Mr. Fagan has never had the opportunity of
answering them, but nevertheless after the Governor's
action it would be impossible to send him back. It would
be very hard for these young men to live on time pay
in East Africa, the Governor's remark at the close
of his despatch that "living in E. Africa is
expensive and becoming more so, and that it
is not exceptional to find an officer who is
not in debt" will be noted.

If the young man has merits, as Mr. MacNaughton
and Mr. Coote stated seems to think, could we employ him elsewhere and
give him another chance?

J.S.
25/4/1

This case has been mismanaged, and an
enquiry should be speedily commenced into the former
and the I.G.'s reports - I do not know
whether my proposal will meet the present demand
again in the reply of course, but all can
concur to have written to the I.G. to this effect.

suit further suffers, as the point I state may perhaps be
described to be right about the time last August reached
South Africa.

I would add that Mr. Moran's file does not bear out
his statement in 1907, that he "resigned under
fear". He asked for certain concessions in the matter
of flour etc which were granted, & added "I have
no wish to return to this country & only desire to get
to England in order to obtain other employment."

The case however remains very unsatisfactory because
(1) if Mr. Moran's statement as to his verbal pledge
with regard to the 66 p.c. balance of his debts is
true - ~~it being impossible to seem to have~~ having
done his best to pay them off, & at the stage
when he has thus reached, & in view of the assurances
the Govt. had given him, his indebtedness was not a
sufficient ground for getting rid of him.

If the Govt. had from the first taken the line that
the indebtedness was sufficient to admit of
Mr. Moran's retention in the service, it would
have been quite a different matter; & possibly
such an attitude would have been justified.

(2) The two reports on Mr. Moran's arrears of his
outlays have clearly been used as a make-weight
against him - though he has never had them
~~in~~ brought to his notice officially, or

he ought to
take them
consideration
at all.

had any opportunity of replying. para 495
W. Mr. Donald, the S. G. of Police, whose report
is in question, has proved such a bad Police
Officer that it has been found necessary to
recall him to his previous magisterial off.

The report expresses one unanswerable "I do say
there are other cases on record which have
not come to light" is a most unfair statement.

4) Mr. Moran's statements on his own behalf appear
straightforward & sincere enough. They should be ready
so also did his manner when he came & ready.

The worst of it is that I don't see what can be
done for Mr. Moran now under the most
favorable conditions. Hardly used to may have
been, but he did not look at all a likely
Police Officer. I cannot therefore think that
the Secretary of State should ^{under no circumstances} offer him reemployment.
at best there remains his serious indebtedness

which cannot be discharged - It may conceivably be
a question whether some compensation should not be given him.

I think the first thing to do is to clear up
the question as to whether he gave his creditors,
~~a bill~~ the verbal understanding to repay the debt, if so,

T.P.M. 1910

I should say that my impression has been long
in the case. He was clearly fitted for

EAST AFRICA PROTECTORATE.

41791

Governor's Office,

Nairobi,

October 9th 1908. . . 497

CONFIDENTIAL (108)

(Incl. 1)

My Lord,

I have the honour to acknowledge the receipt
of Your Lordship's despatch No. 410 of the 2nd of
August last and to reply to submit the following report:

1. Mr. Foran's case was originally brought to my notice in May 1907 by a local Solicitor in connection with the non-payment of an account running over six months for a sum of Rs. 979 owed by Mr. Foran to a local general dealer whom Mr. Foran had also threatened to sue, with a view, the Solicitor alleged, to intimidate him from bringing an action to recover his money; the threat was undoubtedly made but not, I think, with this object.

2. At this time the Inspector General of Police also brought to my notice that this was not the only instance, and that Mr. Foran was heavily in debt elsewhere.

3. I saw Mr. Foran and severely reprimanded him both for his conduct on this occasion and his state of indebtedness, and warned him that I could not tolerate such a state of affairs. I gave him six months in which to clear

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

(S)

clear himself and informed him that, if at the end of this period he was not practically free from debt, he would be called on to resign his appointment.

5. At the expiration of six months the Inspector General of Police submitted a statement prepared by Mr. Foran of his liabilities and the reduction effected. This showed total debts amounting to Rs.4,758 and a reduction of Rs.1,699.18 leaving a balance unpaid of Rs.3,059.89 but the Inspector General of Police ascertained that debts existed in addition, to the amount of Rs.1,000 which were not shown by Mr. Foran; the Inspector General of Police also submitted a report on Mr. Foran's general conduct as a Police Officer which was far from satisfactory.

6. Mr. Foran was then called on to resign.

7. He then put in a plea for grace stating that if he could assure a friend that his post in the Police would be secure for one year, he would be able, through the kindness of this friend, to liquidate his debts.

8. He was granted this assurance and warned that an improvement in the conduct of his duties was necessary as well as a reduction of his liabilities.

9. Mr. Foran then apparently convened a meeting of his creditors and through his friend offered them 53% of the amount of his debts in full settlement. The proposal was not received with approval, was strongly objected to by the Inspector General of Police and was in my opinion quite incompatible with Mr. Foran's position as a Police Officer. I accordingly revoked my former assurance and on the recommendation of the Inspector General of Police granted him six months leave.

(3)

leave of absence conditionally on his resigning his appointment at the expiration of this period, a condition which he accepted.

10. This was, I consider, the only practicable course; the task set Mr. Foran became in the end impossible though when it was too late I was informed that he did his best. His debts in the end amounted to more than his whole salary for a year, and it is incredible that any one knowing the amount of his salary should have become so deeply involved without what amounts to an almost criminal disregard of his responsibilities.

11. Mr. Foran is quite correct in what he states as to the loss of increment of his salary owing to his failure to pass the Swahili Examination, but I am unable to agree with his remarks on the difficulty of the examination. It was the standard required at the time, and I do not see how exceptions could well be made; it is essential that Police Officers should have a good colloquial knowledge of Swahili and this Mr. Foran could not have had, or he would have received a colloquial pass even if he had not succeeded in passing the whole examination.

12. I would, in conclusion, take exception to many of Mr. Foran's statements but more especially to that about East African Officials being in debt. There are many European officials in this Protectorate whose pay is no greater and is in many instances less than Mr. Foran's, who if they were to show the same reckless disregard for money would doubtless find themselves equally involved; but though living in East Africa

(4)

is expensive and is becoming more so I am glad to be able to state that Mr. Foran's case is an unusual one, and that it is not exceptional to find an officer who is not in debt.

13. I am unable to recommend that Mr. Foran should return to the Police Force of this Protectorate.

I have the honour to be,
With the highest respect,

My Lord,
Your Lordship's most obedient,
humble servant,

(In the absence of H.E. the Governor)

41791

INCLOSURE

Decr 15 1908
Copy of 80674/2/1908

501

CONFIDENTIAL.

I. G. P's. Office.

Nairobi, /Y February, 1908.

Sir,

With reference to His Excellency the Governor's minute dated 12.6.08 I have the honor to submit my report on A. D. S. P. Foran's liabilities.

According to the statement filed by Mr. Foran, his debts amounted to Rupees 4758, and he has shown a reduction of Rupees 1699- 18 cents within the six months allowed, thus leaving a balance due by him of Rupees 3059 -39 cents which is a very big sum.

If Mr. Foran's statement is correct he has been living on Rupees 118 per. mensem. which I hardly think is sufficient.

His pay is £265. per. annum. For six months it is roughly £132 or in Rupees 1980, add to this his Travelling Allowance for six months viz: Rupees 426 -total income for six months Rupees 2406 - deduct from this, paid to Creditors viz: Rupees 1699 leaving a balance of Rupees 707 to live on for six months or at Rupees 118 per. mensem.

I am not in favour of this Officer's services being retained in the Force, and he should, in my opinion, be called upon to resign. Apart from his liabilities, he is not reliable and cannot be left in independent charge. His Excellency the Governor may remember the charge made by Mr. Allen's Solicitor in this town where Mr. Foran threatened to beat one of his Creditors and to run him in for cheating at the time when this Creditor was, through his Solicitor, threatening legal proceedings against him.

In

The Secretary to the Administration,

NAIROBI.

In another case he sent up a constable to receive 20 lashes, alleging that the constable had refused to go on duty when the Doctor had passed him as fit. Captain Riddick asked for the medical report, Mr. Foran said he had satisfied himself as to the correctness of the medical report. On the report being produced it was found the man had been excused duty. Captain Riddick declined to confirm this sentence and called on Mr. Foran for a report, his reply was that he regretted the incident,

On another occasion I visited Kisumu and the men said they had a complaint to make. I found one man had been fined Rs. 6/- for losing his chaplies, which on enquiry I found had never been given to him.

I dare say there are other cases on record which have not come to light.

He is very erratic at forming his opinion about the N. C. O's. and men. For one month he may give an N. C. O. a most laudatory report and it is possible he may stick to this opinion for another month after which he will report that he is the most useless, untrustworthy man and should be dismissed the force.

Since the receipt of the list prepared by Mr. Foran I have ascertained that Mr. Foran owes the following amounts which have been excluded from the list, although I asked him to give me a true and faithful account of his debts:-

To Ali Dina Visram, Kisumu. Rs. 323.

" Mendonca " " 505.

" Waserath and Bro. " " 90.

" Clarke " " 64.

Furthermore in the list he shows Rs. 325 - 62 cents as paid to Norfolk Stores, Mr. Harrison Solicitor, informs me he can only trace up Rs. 162 - 50 cents as paid him.

Mackinnon Bros: state that their account is Rs. 414 and not Rs. 404 - 31 cents as stated by Mr. Foran.

S. D.

2

WITNESS OF MEMORANDUM AS QUOTED ON PAGE NINETEEN AL
ONGS WITHIN WHICH HE MENTIONED THE DATE OF BIRTH OF
THE DEFENDANT AND WHETHER HE HAD RECEIVED AN EDUCATION OR
NOT. IT IS ALSO STATED THAT HE WAS BORN ON MAY 12, 1880
BUT IN KARACHI CITY. HE WROTE HIS BIRTHDAY AS 12/5/1880.
HE FURTHER STATED HE HAD RECEIVED HIS EDUCATION FROM THE
PUNJABI MUSLIM HIGH SCHOOL IN KARACHI. HE ALSO STATED
HE HAD NOT BEEN TO ANY OTHER SCHOOLS SINCE HE LEFT THE
PUNJABI MUSLIM HIGH SCHOOL. HE STATED HE HAD BEEN WORKING
AT A PAPER FACTORY SINCE HE LEFT HIGH SCHOOL. HE
STATED HE HAD BEEN WORKING AS A LABORER. HE STATED HE HAD
NOT ATTENDED ANY COLLEGE SINCE LEAVING HIGH SCHOOL.
HE STATED HE HAD BEEN WORKING AS A LABORER SINCE HE LEFT
HIGH SCHOOL. HE STATED HE HAD BEEN WORKING AS A LABORER
AT A PAPER FACTORY SINCE LEAVING HIGH SCHOOL. HE STATED
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HE STATED HE HAD BEEN WORKING AS A LABORER SINCE LEAVING HIGH SCHOOL. HE STATED HE HAD BEEN WORKING AS A LABORER SINCE LEAVING HIGH SCHOOL.

J. A. Nazareth and Bro. Nairobi's claim for Rs. 15. is
also omitted by Mr. Foran.

I have the honor to be,

Sir,

Your most obedient servant,

D. M. Abdulla

Inspector General of Police.

Table to show reduction in debts in last six months.

Name of Creditors.	As estimated in May, 1907	As estimated eventually. Totals with Court costs in some cases.	Reductions.
Mr. Grice	25 -	25 -	25 -
Norfolk Stores.	235 47	448 25	325 22
Mir Khan.	60 -	60 -	
Microbi Bank	135 73	135 05	
Mughal Appu.	27 -	27 -	27 -
Miller and Roberts	77 -	77 -	
Norfolk Hotel	189 62	330 27	
R. W. D. Young	18 75	18 75	
Traveller's Club	44 57	44 57	44 57
Trous and Stanley	34 37	46 44	
McKinnon Bros.	243 28	404 31	
J. R. De Souza & Co.	503 44	588 94	
Mastand Bros.	253 19	260 04	260 04
Nambu Stores	627 -	969 31	
Norfolk Stables	34 -	34 -	34 -
Shahza Bank	1137 72	1197 72	865 13
Pivately	87 50	87 50	87 50
	3831 91	4758 57 1699 18	1000 38

Balance still due Rs. 3059 38

Paid off in six months Rs. 1859 18

Approximate only. It is probably less, as I still have sale proceeds of Saddlery etc. to be credited.

(initialled) W. R. F.

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Gat
41882
- 08

E.A.P.

Cong

Daff 5 Nov 08

order sent HFT
6 w/par

DRAFT

Govi
Haroti

MINUTE

Mr

Mr MacNaughton 25/10

Mr Law

Mr Antrobus

X Mr Cox 25th *for*

Sir G. Lewis

Sir F. Hopwood

Col. Seely

X The Earl of Cressy

1st expedit of 2nd hrm
is due out there today

TOK
25/10

debating

Referring to your copy despatched
vacant
4 October 108 see

impressions

enclosure in my despatch to

recella

546 2 November

Is Tokay correct in

showing

stating that value

Emiola probable

understanding was given to him

auditors that whole accountancy
touchpiece beneath
debt will be paid off

representatives

Please let us off reply
as soon as possible